

FILED

DEC 29 2014

U.S. BANKRUPTCY COURT  
NEWARK, N.J.  
BY *[Signature]* DEPUTY

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

In re:

Gordon Allen Washington -v- Specialized  
Loan Servicing LLC and The Bank of New  
York Mellon, as Trustee for the  
Certificate-Holders of the CWABS, Inc.,  
Asset-Backed Certificates, Series 2007-5

Chapter: 13  
Case Number: 14-14573  
Civil Number: \_\_\_\_\_  
Adversary Number: 14-1319  
Bankruptcy Judge: STECKROTH

**TRANSMITTAL OF APPEAL DOCUMENT(S) TO:**

**DISTRICT COURT**     **CIRCUIT COURT OF APPEALS**

A Notice of Appeal was filed in our office on 11/26/14. The parties to the appeal are:

Appellant(s):	<u>Specialized Loan Servicing</u>	Appellee(s):	<u>Gordon Allen Washington</u>
Attorney:	<u>Christopher N. Tomlin</u>	Attorney:	<u>Charles A. Gruen</u>
Address:	<u>210 Lake Drive East, Suite 200</u> <u>Cherry Hill, NJ 08002</u>	Address:	<u>381 Broadway Ste. 300</u> <u>Westwood, NJ 07675</u>

Title of OrderAppealed: Order Granting Summary Judgment/Amended Order Granting Summary Judgment

Date Entered On Docket: 11/20/14 Docket #30 Docket #35

The items indicated below are being transmitted together:

Notice of Appeal     Order beingAppealed     Designation of Record on Appeal  
 Statement of Issues     Transcript     Transcript Ordered On: \_\_\_\_\_  
 Other Motion for Leave to Appeal Docket #38

- An appeal has not previously been filed in this case.  
 The following list contains information regarding all appeals previously filed in this case:

District Court Case Number	District Court Judge Assigned	Date of Transmission of Record to District Court

Court Clerk: Please complete the information below and return a copy of this form to \_\_\_\_\_ within 3 days.

Your Court's Case Number: \_\_\_\_\_ Judge assigned: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**BALLARD SPAHR LLP**

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*Attorneys for Defendants-Creditors*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:	)	Case No. 14-14573 (TBA)
	)	Chapter 13
GORDON ALLEN WASHINGTON,	)	
	)	
Debtor.	)	
	)	
GORDON ALLEN WASHINGTON,	)	Adv. Proc. No. 14-01319 (TBA)
	)	
Plaintiff-Debtor,	)	
	)	
vs.	)	
	)	
SPECIALIZED LOAN SERVICING LLC	)	
and THE BANK OF NEW YORK	)	
MELLON, as TRUSTEE for the	)	
CERTIFICATE-HOLDERS of the	)	
CWABS, INC., ASSET-BACKED	)	
CERTIFICATES, SERIES 2007-5,	)	
	)	
Defendants-Creditors.	)	

**NOTICE OF APPEAL**

Specialized Loan Servicing LLC (“SLS”) as special servicer for The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the certificateholders of the CWABS, Inc., ASSET-BACKED CERTIFICATES, SERIES 2007-5 s/h/a The Bank of New York Mellon, as

Trustee for the certificate-holders of the CWABS, Inc., ASSETBACKED CERTIFICATES, SERIES 2007-5 (the “Trust,” with SLS the “Defendants-Creditors”), appeals under 28 U.S.C. § 158(a) and Federal Rules of Bankruptcy Procedure 8001(b), 8002(a) and 8003 from the Amended Order Granting Debtor / Plaintiff Summary Judgment, Disallowing Defendant’s Secured Claim Pursuant to 11 § U.S.C. 506(a)(1) and (d) (Adv. Proc. Doc. No. 35) (the “Order”) that was filed on November 20, 2014 and entered on November 25, 2014.

The names of all parties to the judgment and Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

Gordon A. Washington  
(the Debtor/Plaintiff)

Walter D. Nealy  
100 S. Van Brunt St.  
Englewood, NJ 07631  
Telephone: 201-227-0063

Specialized Loan Servicing LLC and  
The Bank of New York Mellon

Charles A. Gruen  
Rosa Amica-Terra  
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Westwood, NJ 07675  
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Karen B. Olson  
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Ballard Spahr LLP  
Attorneys for Defendants-Creditors

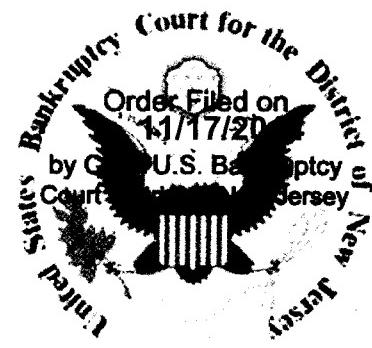
By: /s/ Christopher N. Tomlin  
Christopher N. Tomlin

Dated: November 26, 2014

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Law Offices of Charles A. Gruen  
381 Broadway, Suite 300  
Westwood, New Jersey 07675  
(201) 342-1212



In Re:

GORDON A. WASHINGTON

GORDON A. WASHINGTON

Plaintiff(s)

v.  
SPECIALIZED LOAN SERVICING, LLC and  
THE BANK OF NEW YORK MELLON, as  
Trustee for the Certificate-holders of the CWABS,  
Defendant(s)

Case No.: 14-14573 (TBA)

Hearing Date: September 30, 2014

Adv. No.: 14-01319 (TBA)

Judge: Michael B. Kaplan, USBJ

**ORDER GRANTING DEBTOR/PLAINTIFF SUMMARY JUDGMENT, DISALLOWING  
DEFENDANT'S SECURED CLAIM PURSUANT TO 11 § U.S.C. 502(b)(1) and  
AVOIDING LIEN PURSUANT TO 11 § U.S.C. 506(a)(1) and (d)**

The relief set forth on the following pages, numbered two (2) through 4 is  
hereby ORDERED.

DATED: 11/17/2014

Michael B. Kaplan  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Debtor: GORDON A. WASHINGTON  
Case No.: 14-14573 (TBA)  
Adversary Pro. No.: 14-01319 (TBA)  
Caption of Order: Order Granting Debtor/Plaintiff Summary Judgment, Disallowing Defendant's Secured Claim 11 U.S.C. § 502(b)(1) and Avoiding Lien pursuant to 11 U.S.C. § 506(a)(1) and (d)

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THIS MATTER having come before the Court upon an application of the Debtor/Plaintiff, GORDON A. WASHINGTON, by way of Motion and Cross-Motion for Summary Judgment against the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, and the Cross-Motion for Summary Judgment of the Defendants, and the Court having considered the submissions of the parties, and having heard the arguments of counsel and for the reasons set forth in the Court's opinion dated November 5, 2014:

IT IS ORDERED that the Motion and Cross-Motion for Summary Judgment against the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, and in favor of Plaintiff, GORDON A. WASHINGTON, be, and the same are hereby granted with prejudice; and it is further

ORDERED that the Cross-Motion for Summary Judgment of the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, be, and the same is hereby denied with prejudice; and it is further

ORDERED that the Proof of Claim filed by the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY, on July 17,

2014 [Proof of Claim Number 7-1] is hereby disallowed under 11 U.S.C. § 502(b)(1) as unenforceable ; and it is further

ORDERED that the Debtor/Plaintiff, GORDON A. WASHINGTON, shall retain title to the real property described in the next paragraph, free and clear of any claim of the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5; and it is further

ORDERED that the Mortgage/Lien referenced below is voided pursuant to 11 U.S.C. § 506(d), discharged and cancelled of record:

- a) Description of real property: 1 Walnut Street, Madison, New Jersey (Block 1001, Lot 25). Legal description is attached hereto and made a part hereof as Exhibit "A";
- b) Description of Mortgage:
  1. Original Mortgagee: America's Wholesale Lender;
  2. Current Assignee: The Bank of New York for the Benefit of Certificate Holders, CWABS, Inc. Asset-Backed Certificates Series 2007-5, by Assignment dated November 12, 2007, recorded at Assignment Book 21153, page 683 on September 9, 2008, and Corrective Assignment dated December 31, 2013, recorded at Assignment Book 22480, page 789 on January 8, 2013 in the Morris County Clerk's Office;
  3. Current Servicer: Specialized Loan Servicing, LLC;
  4. Date of Mortgage: February 27, 2007;
  5. Date of Recordation: March 8, 2007;
  6. Place of Recordation: Morris County, County Clerk's Office, Morristown, New Jersey
    - i. Mortgage Book 20764;
    - ii. Page 0771

7. Original principal balance of Mortgage: \$520,000.00; and it is further ORDERED that a certified or exemplified copy of this Order shall be recorded with the Clerk or Register of Deeds with whom the original mortgage or lien was recorded.



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Law Offices of Charles A. Gruen  
381 Broadway, Suite 300  
Westwood, New Jersey 07675  
(201) 342-1212

In Re:  
**GORDON A. WASHINGTON**

**GORDON A. WASHINGTON**

Plaintiff(s)

v.

SPECIALIZED LOAN SERVICING, LLC and  
THE BANK OF NEW YORK MELLON, as  
Trustee for the Certificate-holders of the CWABS,  
Defendant(s)

Case No.: 14-14573 (TBA)  
Hearing Date: September 30, 2014  
Adv. No.: 14-01319 (TBA)  
Judge: Michael B. Kaplan, USBJ

**AMENDED  
ORDER GRANTING DEBTOR/PLAINTIFF SUMMARY JUDGMENT, DISALLOWING  
DEFENDANT'S SECURED CLAIM PURSUANT TO 11 § U.S.C. 502(b)(1) and  
AVOIDING LIEN PURSUANT TO 11 § U.S.C. 506(a)(1) and (d)**

The relief set forth on the following pages, numbered two (2) through 4 is hereby ORDERED.

DATED: 11/20/2014

Michael B. Kaplan  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Debtor: GORDON A. WASHINGTON  
Case No.: 14-14573 (TBA)  
Adversary Pro. No.: 14-01319 (TBA)  
Caption of Order: Order Granting Debtor/Plaintiff Summary Judgment, Disallowing Defendant's Secured Claim 11 U.S.C. § 502(b)(1) and Avoiding Lien pursuant to 11 U.S.C. § 506(a)(1) and (d)

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THIS MATTER having come before the Court upon an application of the Debtor/Plaintiff, GORDON A. WASHINGTON, by way of Motion and Cross Motion for Summary Judgment against the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, and the Cross Motion for Summary Judgment of the Defendants, and the Court having considered the submissions of the parties, and the arguments of counsel and for the reasons set forth in the Court's opinion dated November 5, 2014:

IT IS ORDERED that the Motion and Cross Motion for Summary Judgment against the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, and in favor of Plaintiff, GORDON A. WASHINGTON, be, and the same are hereby granted with prejudice; and it is further

ORDERED that the Cross Motion for Summary Judgment of the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc. ASSET-BACKED CERTIFICATE SERIES 2007-5, be, and the same is hereby denied with prejudice; and it is further

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2014 [Proof of Claim Number 7-1] is hereby disallowed under 11 U.S.C. § 502(b)(1) as unenforceable ; and it is further

ORDERED that the Debtor/Plaintiff, GORDON A. WASHINGTON, hereby retains the real property described in the next paragraph, free and clear of any claim of the Defendants, SPECIALIZED LOAN SERVICING, LLC and THE BANK OF NEW YORK MELLON COMPANY AS TRUSTEE FOR CERTIFICATEHOLDERS, CWABS, Inc.

ASSET-BACKED CERTIFICATE SERIES 2007-5; and it is further

ORDERED that the Mortgage/Lien referenced below is voided pursuant to 11 U.S.C. § 506(d), discharged and cancelled of record:

- a) Description of real property: 11 Walnut Street, Madison, New Jersey (Block 1001, Lot 25). Legal description is attached hereto and made a part hereof as Exhibit "A";
- b) Description of Mortgage:
  1. Original Mortgagee: America's Wholesale Lender;
  2. Current Assignee: The Bank of New York for the Benefit of Certificate Holders, CWABS, Inc. Asset-Backed Certificates Series 2007-5, by Assignment dated November 12, 2007, recorded at Assignment Book 21153, page 683 on September 9, 2008, and Corrective Assignment dated December 31, 2013, recorded at Assignment Book 22480, page 789 on January 8, 2013 in the Morris County Clerk's Office;
  3. Current Servicer: Specialized Loan Servicing, LLC;
  4. Date of Mortgage: February 27, 2007;
  5. Date of Recordation: March 8, 2007;
  6. Place of Recordation: Morris County, County Clerk's Office, Morristown, New Jersey
    - i. Mortgage Book 20764;
    - ii. Page 0171

7. Original principal balance of Mortgage: \$520,000.00; and it is further ORDERED that a certified or exemplified copy of this Order shall be recorded by the Clerk or Register of Deeds with whom the original mortgage or lien was recorded.